

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                             |   |                       |
|-----------------------------|---|-----------------------|
| SCOTT M. THORNTON,          | ) |                       |
|                             | ) |                       |
| Plaintiff,                  | ) |                       |
|                             | ) |                       |
| v.                          | ) | Case No. CIV-08-575-D |
|                             | ) |                       |
| LARRY HILL, <i>et al.</i> , | ) |                       |
|                             | ) |                       |
| Defendants.                 | ) |                       |

**ORDER**

This matter is before the Court for review of the Report and Recommendation Concerning Class Certification [Doc. No. 108], issued June 2, 2009, by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Bacharach recommends the denial of Plaintiff's motion for class certification, which was filed *pro se* in combination with a motion for appointment of counsel [Doc. No. 90].<sup>1</sup> Judge Bacharach finds that Plaintiff is not an adequate class representative.

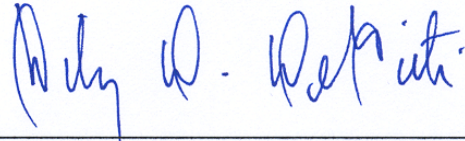
The deadline for filing any objection to the Report was July 2, 2009. Plaintiff has not filed a timely objection nor requested additional time to object. Thus, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. For this reason, and because Judge Bacharach's analysis is correct, the Court concurs in the recommended rulings.

---

<sup>1</sup> In a previous order, Judge Bacharach denied the motion for appointment of counsel but deferred consideration of the motion for class certification. *See* Order 5/29/09 [Doc. No. 105]. No timely objection to the Order has been filed. *See* Fed. R. Civ. P. 72(a) (requiring objections to an order deciding a nondispositive matter to be filed within 10 days after being served with a copy).

IT IS THEREFORE ORDERED that the Report and Recommendation Concerning Class Certification [Doc. No. 108] is adopted in its entirety. Plaintiff's motion for class certification, included in his Motion for Appointment of Counsel [Doc. No. 90], is DENIED.

IT IS SO ORDERED this 13<sup>th</sup> day of July, 2009.



---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE